

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DIONNE LEE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC# 8/4/08
DATE FILED: 8/4/08

Plaintiff

RICHARD K. BAWUAH and
COWAN EQUIPMENT LEASING

Civil Action No. 07-cv-9917

Defendants

X

**DEFENDANTS', RICHARD K. BAWUAH AND COWAN EQUIPMENT LEASING,
MOTION FOR RECONSIDERATION PURSUANT TO S.D.N.Y LOCAL CIVIL RULE
6.3**

PLEASE TAKE NOTICE that on the _____ day of _____, 2008, at 9:30 a.m., or as soon thereafter as counsel may be heard, the undersigned shall apply to the Honorable Andrew J. Peck, U.S.M.J. at the United States District Court, Southern District of New York, located at the Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York City, New York 10007-1312 on behalf of Defendants, Richard K. Bawuah and Cowan Equipment Leasing in the above-captioned matter for an Order, pursuant to S.D.N.Y. Local Civil Rule 6.3 for Reconsideration of The Honorable Magistrate Peck's July 23, 2008 Order Denying Defendants' Motions in Limine requesting: (1) The Exclusion of expert testimony of Aric Hausknecht, M.D.; (2) The application of New Jersey Law; and (3) To Preclude Plaintiff's wage loss claim.

The moving defendants shall rely on the annexed Certification of Counsel, Exhibits and Legal Brief in support of this Notice of Motion.

BY FAX

MEMO ENDORSED *8/4/08*

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In consideration, the Court adheres to its original decision in that (as previously indicated) it will not object to specific sections of the motion. It is also noted that the difference between the Plaintiff's and the Defendants' proposed orders is minimal, so the Court need not go into my proposed order in detail. It is my understanding that the Plaintiff's proposed order is the correct one.

SO ORDERED:
Hon. Andrew Jay Peck
United States Magistrate Judge

PLEASE TAKE FURTHER NOTICE oral argument is requested.

Date: July 31, 2008

Yours, etc.,
RAWLE & HENDERSON LLP



By: _____

Jeffrey A. Segal
Attorneys for Defendants, Richard K. Bawuah
and Cowan Equipment Leasing
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FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: August 4, 2008

Total Number of Pages: 3

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TRANSCRIPTION:

MEMO ENDORSED 8/4/08

On reconsideration, the Court adheres to its original decision, subject (as previously indicated) to specific objections to specific witnesses at trial. The Court also notes that the difference between NY and NJ law only will apply if plaintiff is found to be 50% or more responsible, so the issue will be moot if the jury finds plaintiff less than 50% responsible.